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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 RUBEN COLMENERO DURAN,

NO. CIV.S-04-2719 GEB DAD PS

12 Plaintiff,

FINDINGS AND RECOMMENDATIONS

13 v.

14 INS,

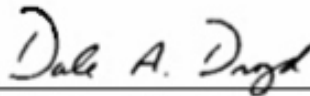
15 Defendant.
16 _____/

17 By an order filed May 23, 2005, plaintiff was ordered to
18 show cause in writing within twenty days why this case should not be
19 dismissed for lack of subject matter jurisdiction and was cautioned
20 that failure to do so would result in a recommendation that this
21 action be dismissed. On June 22, 2005, plaintiff was granted an
22 extension of time up to and including July 13, 2005, in which to
23 respond to the court's order. The time period has now expired, and
24 plaintiff has not responded to the court's order. Accordingly, IT IS
25 HEREBY RECOMMENDED that this action be dismissed without prejudice.

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1 These findings and recommendations are submitted to the
2 United States District Judge assigned to the case, pursuant to the
3 provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being
4 served with these findings and recommendations, plaintiff may file
5 written objections with the court. Such a document should be
6 captioned "Objections to Magistrate Judge's Findings and
7 Recommendations." Plaintiff is advised that failure to file
8 objections within the specified time may waive the right to appeal
9 the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th
10 Cir. 1991).

11 DATED: July 28, 2005.

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DALE A. DROZD

UNITED STATES MAGISTRATE JUDGE

15 DAD:lg
16 orders/prose/duran2719.f&r.dism